

Senate Bill No. 244

CHAPTER 515

An act to add Sections 2770.6, 2772.5, and 2772.6 to the Public Resources Code, relating to surface mining.

[Approved by Governor September 17, 2000. Filed
with Secretary of State September 19, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 244, Solis. Surface mining and reclamation.

Existing law, the Surface Mining and Reclamation Act of 1975, governs surface mining operations and the reclamation of mined lands and provides, among other things, for the submission of reclamation plans to, and issuance of permits by, lead agencies to persons engaging in surface mining operations.

This bill would only apply to surface mining operations within the San Gabriel Basin Water Quality Authority. The bill would revise certain procedures for the submission and review of reclamation plans by a lead agency, as prescribed, and would additionally require the lead agency to notify, and provide copies of an application to conduct surface mining operations or an application for the approval of a reclamation plan to the appropriate California regional water quality control board of surface mining operations that may impact groundwater quality, as prescribed. By imposing new duties on lead agencies with regard to the review and approval of surface mining reclamation plans, the bill would impose a state-mandated local program.

The existing act requires lead agencies to require specified types of financial assurances of each surface mining operation to ensure that reclamation is performed in accordance with the surface mining operation's approved reclamation plan, which the lead agency reasonably determines are adequate to complete reclamation in accordance with the surface mining operation's approved reclamation plan. The act requires that the amount of financial assurances required of a surface mining operation for any one year be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan.

This bill would, additionally, require that the amount of financial assurances required of a mining operation for any one year be in an amount not less than that required to ensure reclamation is completed in compliance with the act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 2770.6 is added to the Public Resources Code, to read:

2770.6. (a) Whenever surface mining operations are proposed within the boundaries of the San Gabriel Basin Water Quality Authority that may penetrate the groundwater, and whenever proposed reclamation activities may impact groundwater quality, the lead agency reviewing an application to conduct surface mining operations, or reviewing an application for the approval of a reclamation plan, shall notify and provide copies of the subject application to the appropriate California regional water quality control board, and any watermaster for the groundwater recharge basin. Notwithstanding any other provision of law, the appropriate California regional water quality control board may impose an administrative fee on the applicant to cover its costs associated with the review of, and preparation of, comments on the subject application, as required pursuant to this section.

(b) Each agency shall have 60 days to review and comment on the proposed surface mining operation described in subdivision (a) and the adoption of any reclamation plan therefor. Each agency shall comment on the existing groundwater quality and the potential impacts to water quality that may result from the mining operations and the proposed reclamation plan, and shall recommend methods and procedures to protect groundwater quality and prevent groundwater degradation. Each agency shall also comment on the proposed mining activities, including the conduct of excavation and backfilling operations in contact with groundwater, and the impact of any proposed alternative land uses on groundwater quality. When the proposed surface mining operations or reclamation plan will impact the groundwater, the lead agency shall not approve the reclamation plan without requiring actions to ensure the reasonable protection of the beneficial uses of groundwater and the prevention of nuisance. Each agency shall have 60 days to review and comment or until 60 days from the date of application, whichever occurs first.

(c) This section applies to activities otherwise subject to this chapter conducted within the boundaries of the San Gabriel Basin Water Quality Authority. To the extent of any conflict between this section and any other provision of this chapter, this section shall prevail.

SEC. 2. Section 2772.5 is added to the Public Resources Code, to read:

2772.5. (a) A reclamation plan by any person who owns, leases, or otherwise controls or operates on all, or any portion of any, mined lands within the boundaries of the San Gabriel Basin Water Quality Authority, and who plans to conduct surface mining operations on those lands, in addition to the information required pursuant to subdivision (c) of Section 2772, shall include a description of any programs necessary to monitor the effects of mining and reclamation operations on air, water, and soil quality, on the surrounding area, backfill characteristics, geologic conditions, and slope stability, similar to the California Environmental Quality Act document for the reclamation project.

(b) This section applies to activities otherwise subject to this chapter conducted within the boundaries of the San Gabriel Basin Water Quality Authority. To the extent of any conflict between this section and any other provision of this chapter, this section shall prevail.

SEC. 3. Section 2772.6 is added to the Public Resources Code, to read:

2772.6. (a) In addition to meeting the requirements of Section 2773.1, the amount of financial assurances required of a surface mining operation within the boundaries of the San Gabriel/Basin Water Quality Authority for any one year shall be in an amount not less than that required to ensure reclamation of the disturbed areas is completed in accordance with the approved reclamation plan.

(b) This section applies to activities otherwise subject to this chapter conducted within the boundaries of the San Gabriel Basin Water Quality Authority. To the extent of any conflict between this section and any other provision of this chapter, this section shall prevail.

SEC. 4. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution as a result of the unique circumstances affecting surface mining operations within the boundaries of the San Gabriel Basin Water Quality Authority.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.